

January 25, 2006 Minutes of Bigfork Land Use Advisory Committee

Members present: Phil Hanson, Clarice Ryan, Darrel Coverdell, Mary Jo Naïve, Shelley Gonzales, John Bourquin, Paul Guerrant

Chairman Bourquin called the meeting to order at 4:01 PM, and called for adoption of the agenda. Agenda was approved. M/S Hanson-Coverdell

Minutes of the January 16, 2007 workshop meeting were approved. M/S Guerrant-Coverdell

SECRETARY'S REPORT:

1. The application for Norskog variance was approved. Norskogs and Medlands reached an agreement that 1) Medlands would not oppose the variance, and 2) Norskogs would give Medlands a written, permanent easement for the boathouse encroachment. With that information, the Board of Adjust granted the variance with 3 conditions: 1) No new construction or remodeling ay increase the overhang dimensions or structural coverage on the setback; 2) If the building or identified roof area should be demolished because of fire or natural disaster, the replacement roof must comply with existing setback regulations; and 3) All water run-off shall be contained on the property or conveyed off-site in an approved manner.

2. Deadline for petitions for election to BLUAC is February 22, 2007.

3. The front doors of Bethany Lutheran Church will be locked and people attending committee meetings at the church are asked to use the east entrance (off Bridge Street) for entry and asked to lock the building after the meeting is concluded.

APPLICATIONS:

A. Dancing Fox LLC, a request for a Conditional Use Permit to construct an 8-unit multi-family dwelling on .625 acres. The property is located at 655 Commerce St and is zoned B-3. The units will be accessed from Terrace Hills Road.

Staff: Annie Thompson provided BLUAC members with a copy of the Staff Report, listing 15 conditions, on the request. Members were very appreciative to have this information. Tracy noted that no comments from neighbors had been received from neighbors adjacent to the subject property. Access to the property was changed from Commerce St to Terrace Hills Road after objection from the Bigfork Superintendent of Schools, Russ Kinser, due to safety concerns. The developer was also asked to provide an emergency exit only from the parking area onto Commerce Street. Bigfork Fire Dept. found access on Terrace Hills preferable to access from Commerce Street. County Road department noted that Terrace Hills Road is not up to standard. There is no stop sign and poor vision on access to Grande Avenue. The developer has added 15 additional parking spaces to the 8 garage spaces attached to the structure. All lighting will be shielded.

Applicant: Kate Cassidy, P J Stokes Assoc., noted the developer has agreed to all conditions recommended by planning staff. There will be a sidewalk constructed on the Commerce Street side (front) of the apartments. They have also agreed to install a "crash gate" on the Commerce Street access from the additional parking spaces to limit access except in emergencies. Applicant will make road improvements in Terrace Hills Road.

Mary Jo Naïve: Is the building within the 35' county standards. Answer: yes

Darrel Coverdell: Would the parking spaces be available to the general public? Answer: No. A sign will be installed denoting Resident Parking Only. Purpose of the parking spaces is for renters and guests only.

Clarice Ryan: Is there a possibility of leaving that parking available to the public in the evenings. Answer: That becomes a liability and maintenance problem. The parking is intended for residents only.

Paul Guerrant: The letter from Bigfork Water & Sewer is conditional on availability of service. Are you aware that the sewer system is close to capacity and you are not guaranteed service? Answer: We are aware of the condition and willing to take the chance there will be sufficient capacity to serve the apartments. Darrel Coverdell: Will the rental fees be compatible with affordable housing? Answer: The rental is estimated to be in the \$225 to \$235 range.

John Bourquin: What is the design of the exterior of the building? Answer: The building will have wood siding and a shingle roof, compatible with the surround area of Bigfork.

Public Comment:

Edd Blackler: The intersection of Terrace Hills and Grande has a hedge that blocks the view. It is a "surprise" intersection. The width of Terrace Hills is also a concern. Answer: The bush on the corner property is trimmed every year to allow better vision.

Sally Janover: There are a lot of people who walk up to Lake View Care Center, many who are elderly. I'm concerned about the safety of walking traffic in that area.

Ernest Hutchison: I live in the Terrace Hills Condos on the north side of this complex. I walk that route often and consider the road width inadequate. It is not the required 30' wide. The Thrift Store allows parking that blocks the view of oncoming traffic on Grande Ave from the north. We have 16 parking places at the condos and it is just barely adequate. Often guests must park on Terrace Hills. I'm concerned about the condition of Terrace Hills Road and parking in this area.

Darin Fredericks: Asked the amount of set back required for the parking area. Answer: The set back is 5 feet.

Gregg Barrett: We live at Terrace Hills Condos. The county standard of 35 feet height limitation would obliterate our view. Can this be constructed not to take all of the view? I am concerned about Terrace Hills Road, as well. There is often an obstruction of view on the NE corner of the intersection caused by parking at the Thrift Store.

Staff: The application is conditioned that Terrace Hills Road be paved to county standards, installation of a stop sign at the intersection, and a clear vision triangle at the intersection be opened with nothing over 30' in height.

Close of Public Comment

BLUAC:

Mary Jo Naive: Would a sidewalk be more useful on the Terrace Hills Road side of the building? I would also like to compliment Peter for the cost and availability to lower income renters. I'm sorry for the view getting blocked but understand the need of uniform county height regulations. Answer: Building a sidewalk on the north side is complicated by topography and depth of the lot. There is not enough room for a sidewalk even with a retaining wall.

Shelley Gonzales: How high will the building be? Answer: It will be 33 feet at the tallest point. There is about 10 feet difference in elevation between the proposed apartment elevation and the Terrace Hills Condos.

John Bourquin: The visibility at the NE intersection is a concern. Does the 40-foot clear vision triangle work there? Answer: That angle would cut off part of the Thrift Store building and parking in that area. Peter Hoveland stated there was a tree on the NE corner causing people to park on the right of way. If the Thrift Store would let me cut down that tree, it would help the situation.

Paul Guerrant moved the application be approved subject to all staff conditions. **Darrel Coverdell** seconded the motion. Motion passed unanimously.

The Flathead County Board of Adjustment will consider this application on February 6, 2007, 6:00 PM at the Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell.

COMMITTEE REPORTS:

A. Commissioner hearings on Flathead County Growth Plan Draft: Clarice Ryan reported on the Commissioner's meetings on the Flathead County Growth Plan. She had the opportunity to show the Commissioners and Jeff Harris the maps prepared by Ryan and Gonzales showing the areas restricted to

development (Federal, State land, flood planes, steep slopes, etc.). The Commissioners commented on the need for such a map in the county growth plan. The next session is scheduled for Tuesday, January 30, 2007, 1:00 PM at the Commissioner Hearing Room. This session will deal with Chapter 10, Neighborhood Plans. She noted that Jeff Harris has insisted that Neighborhood Plans be included in the county growth plan.

OLD BUSINESS:

A. Status of BLUAC Bylaws with County: Secretary Hanson reported there had been no communication from Deputy County Attorney Jonathan Smith regarding his review of the Bylaws or when the Bylaws would be forwarded to the Commissioners for consideration. Of immediate concern is the change in filing deadlines for elections. Purpose in changing the deadline was to allow for the Election Department to mail ballots if possible rather than opening polling places if races were uncontested. The benefit is savings to the county.

B. Kevin Coates letter to Flathead County Planning Office: Kevin Coates gave a presentation on a proposed senior housing triplex on Chapman Hill Road. He noted that senior housing was identified as a need by the 2005 Bigfork Survey. The building would have lowered counter tops, handrails in bathrooms and room for wheel chair mobility access throughout each apartment. The Flathead County Planning Office has denied the zoning change that would allow such a building on the one acre property stating it was spot zoning and not compatible with surrounding properties. Coates is asking BLUAC to send a letter of support to make an exception to that policy.

Paul Guerrant: Asked where the existing home was located on the drawing. Answer: The existing home is shown on the drawing as the maintenance complex. Guerrant also asked how the builder would restrict the use to special needs. Answer: The use would be limited for impaired mobility without restriction to age. There is no legal mechanism in county regulations for such zoning.

John Bourquin: Asked the price range for the units. Answer: The units would be rented, not sold.

Shelley Gonzales: Asked about the open area in the drawing. Answer: The east side of the property is designed as community open space.

Darrel Coverdell: Asked about the safety of cars backing out of garages onto Chapman Hill Road. Answer: The driveway is designed with adequate space to back up and turn around before entering Chapman Hill Road.

John Bourquin: You have the property listed for sale. What happens to the senior living idea if you sell this property? Answer: Was not definitive. The Coates listed the property when the county denied the change in zoning requested.

Public Comment:

Pat Wagner: Will it cost more with specialized fixtures and what will you rent for? Answer: The special features do not have to be expensive if done correctly. The rent will reflect market prices.

Sally Janover: Why only use part of the lot for structures. Answer: Access is a problem with the size and shape of the lot.

Pat Wagner: Are fire sprinklers required for the building? Answer: The County requires sprinklers on all rental units.

Darrel Coverdell: It would seem RA-1 would apply to your needs. Answer: The County considers RA-1 a potential spot-zoning problem.

Glenna Vinyard: I live on the adjoining lot south of this property. I understand a zone change would serve to upgrade the value of the Coates property. Will they be allowed, in the future, to add more structures to the east end of the property? What happens to the senior housing idea if they sell the property?

John Bourquin: My concern is that this property is listed for sale. If zoning is changed, there is nothing in county regulations to guarantee the property is used for senior housing as presented.

Paul Guerrant: I'm concerned about spot zoning and no regulation to restrict the use of the property.

John Bourquin: A zoning of R2 would be compatible with the surrounding properties. You might consider the need to scale back your project to fit present zoning regulations.

Clarice Ryan: When this was first presented, the idea of a letter on behalf of the Coates was to see if the county would reconsider or take a second look at the proposal.

Paul Guerrant: Move not to send a letter on behalf of Coates zone change requests. Phil Hanson seconded the motion. Under discussion, Paul Guerrant stated that he was against spot zoning. The motion passed with three dissenting votes: Ryan, Coverdell, and Naïve.

NEW BUSINESS:

A. North Lake County Planning & Zoning District: Leslie Budewitz approached BLUAC as Chairman of the BSC committee to explore a zoning district in Lake County areas adjacent to the Bigfork Neighborhood Plan Area. She noted that we are in an unusual situation with a community that straddles two counties, each with different regulations in regard to zoning. Her committee is exploring ideas to form a cooperative effort between the two planning districts. She noted that in Lake County, the individual zoning districts are notified if a subdivision or zone change is proposed within two miles of a specific zoning district. She asked that BLUAC explore ideas for a cooperative relationship between an adjoining zoning district in Lake County.

Darrel Coverdell: Is the two-mile notification arbitrary or would one mile be more practical? Answer: We're exploring all ideas at this point.

Mary Jo Naïve: How many zoning districts exist in Lake County? Answer: Many, and some exist as islands within Lake County general zoning.

John Bourquin: I have some ideas for consideration. 1) One member of BLUAC as an advisory on the Lake County committee with no vote. 2) All BLUAC members included on the committee with one vote. 3) BLUAC sits in on all proposals with close proximity to BLUAC boundaries, with both committees reviewing proposals.

B. Maps for Bigfork Growth Plan Draft: Clarice Ryan displayed three maps proposed for the draft.

1. Displays restricted use areas such as earthquake fault lines, flood plains, steep slopes, Federal and State lands, conservation easements, etc. This map gives a true picture of restrictions to development, as well as road extensions.

2. Displays existing zoning in the zoning district.

3. Displays land types and densities outlined by the county growth plan.

During discussion, it was determined map 3 be shelved until the county growth policy is completed.

C. BLUAC Representative at Commissioner's meetings on County Growth Plan: Shelley Gonzales moved Clarice Ryan represent BLUAC at meetings of the Flathead County Commissioners regarding the Flathead County Growth Policy Draft. She is asked to emphasize BLUAC's position in their letter to the commissioners regarding Chapter 10: Neighborhood Plans. She is also asked to consult via email with BLUAC for consensus on any other points in the plan. Mary Jo Naïve seconded the motion. Motion passed unanimously.

ANNOUNCEMENTS:

1. **BLUAC Elections:** Two seats will be elected in May 2007. The terms of Mary Jo Naïve and Clarice Ryan expire. The qualifications for election are "members must be registered voters within the jurisdiction a minimum of two years." Candidates must file a Petition of Nomination signed by at least five electors of the district, An Affidavit of person circulating the petition and an Oath of Candidacy. Forms may be obtained at the Flathead County Election Office, 800 S. Main, Kalispell, MT (758-5535) or contact Secretary Hanson (837-5323 or btrfly@montanasky.net) to receive email copies of the forms. **Start of filing is December 26, 2006. Deadline for filing is February 22, 2007.**

Meeting was adjourned at 6:27 PM; M/S Coverdell-Gonzales

Sue Hanson
BLUAC Secretary